

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

COOPER TIRE & RUBBER COMPANY,

PLAINTIFF,

VS.

CIVIL ACTION NO. 3:02CV210-P-A

JOHN BOOTH FARESE, ET AL.,

DEFENDANTS.

ORDER

This matter comes before the court upon Defendant Bruce Kaster's Motion Per Rule 11 [241-1]. Upon due consideration of the motion the court finds as follows, to-wit:

Because this case is currently on appeal to the United States Court of Appeals for the Fifth Circuit, the instant motion should be denied pending the outcome of said appeal

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Bruce Kaster's Motion Per Rule 11 [241-1] is hereby **DENIED**; and

(2) Defendant Bruce Kaster has leave to refile pending a favorable ruling on appeal by the Fifth Circuit Court of Appeals.

SO ORDERED this the 15th day of July, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE